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Letter dated 4 February 2009 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

I have the honour to inform you that on 14 January 2009, 24 States and 5 regional and international organizations met in New York and formed the Contact Group on Piracy off the Coast of Somalia. The group was formed in response to the Security Council's call for States and regional organizations fighting piracy off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact on all aspects of combating piracy and armed robbery at sea.

The first meeting of this group was extremely successful. During the meeting, it was decided that the group would keep the Security Council informed regularly of its activities and decisions. The joint communiqué issued by the group following the meeting is annexed to the present letter.

I would be grateful if you could have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Susan E. **Rice**

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Annex to the letter dated 4 February 2009 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

Contact Group on Piracy off the Coast of Somalia

Media note

The Contact Group on Piracy off the Coast of Somalia met at United Nations Headquarters in New York on 14 January 2009, and agreed on the following statement.

Pursuant to United Nations Security Council resolution 1851 (2008), the Contact Group on Piracy off the Coast of Somalia was established on 14 January 2009 to facilitate discussion and coordination of actions among States and organizations to suppress piracy off the coast of Somalia. The Contact Group will report on its progress periodically to the Security Council. Participating in the meeting were representatives from Australia, China, Denmark, Djibouti, Egypt, France, Germany, Greece, India, Italy, Japan, Kenya, the Netherlands, Oman, the Republic of Korea, the Russian Federation, Saudi Arabia, the Somalia Transitional Federal Government, Spain, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern ..eland, the United States of America and Yemen, as well as the African Union, the European Union, the North Atlantic Treaty Organization (NATO), the United Nations Secretariat and the International Maritime Organization.

The Contact Group notes with deep concern that piracy off the coast of Somalia grew significantly in 2008, and that attacks on shipping vessels can be expected to increase without enhanced international efforts. In 2008, over 100 attacks, including over 40 successful seizures, resulted in hundreds of persons being taken hostage. The pirates have been demanding million-dollar ransoms for the release of hostages, ships and cargoes. Piracy disrupts critical humanitarian aid deliveries to Somalia, increases shipping insurance premiums along one of the world's most travelled routes to near-prohibitive levels, damages littoral economies by forcing the diversion of vessels around the Cape of Good Hope and raises the prospect of an environmental disaster as ships fall prey to hostile intent. Piracy is a symptom of a wider lack of security and rule of law in Somalia and continues to constitute a threat to regional stability. As important, piracy is symptomatic of the overall situation in Somalia, including the prevalence of illegal fishing and toxic waste dumping off the coast of Somalia, which adversely affects the Somali economy and marine environment. As such, piracy issues must be kept in mind as one element of a larger challenge, and international support for initiatives such as the International Contact Group on Somalia must be encouraged, as well as support for the Contact Group on Piracy off the Coast of Somalia. The Contact Group considers its activities as part of wider international efforts to secure peace and stability in Somalia.

As an international cooperation mechanism created pursuant to Security Council resolution 1851 (2008) to act as a point of contact between and among States and regional and international organizations on aspects of combating piracy and armed robbery at sea off Somalia's coast, the Contact Group will inform the

Security Council on a regular basis of the progress of its activities, including through providing relevant information to the Secretary-General for possible incorporation into his periodic reports to the Council.

The Contact Group emphasizes the primary role of Somalia itself in rooting out piracy and armed robbery at sea and the importance of assisting Somalia in strengthening its own operational capacity to fight piracy and bring to justice those involved in piracy.

The Contact Group on Piracy off the Coast of Somalia applauds the efforts that countries, industry and regional and international organizations have made to address the piracy problem pursuant to Security Council resolutions. Of particular note, the Contact Group applauds the counter-piracy operations that individual nations, the Combined Maritime Forces, NATO and the European Union have undertaken during the last six months.

Pursuant to Security Council resolution 1851 (2008), States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia will consider creating a centre in the region to coordinate information relevant to piracy and armed robbery at sea off the coast of Somalia (the Counter-Piracy Coordination Centre) as soon as possible in 2009. Pending the establishment of such a centre, the Contact Group will look to put interim arrangements in place. The Contact Group asks participating States and international and regional organizations to support both the interim and follow-on facilities.

The Contact Group on Piracy off the Coast of Somalia agrees that better operational information is needed in order to address the problem of piracy off the coast of Somalia, and calls on members to contribute additional operational information and surveillance assets to the region.

The Contact Group on Piracy off the Coast of Somalia recognizes the importance of apprehending and prosecuting suspected pirates. The Contact Group calls on States parties to implement their obligations under relevant treaties and applicable international law, including in particular the United Nations Convention on the Law of the Sea, with respect to suppressing piracy, establishing jurisdiction and accepting delivery of suspected pirates, and to discuss, as appropriate, the applicability of other international instruments, including the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and the United Nations Convention against Transnational Organized Crime.

The Contact Group will examine practical options for strengthening the ability of countries willing to detain and prosecute suspected pirates. It will also examine options for developing other mechanisms to address piracy, including international judicial mechanisms. The Group welcomes the efforts of States, the United Nations Office on Drugs and Crime and the United Nations Development Programme to build judicial capacity and commends the Government of Kenya in particular for supporting the prosecution of suspected pirates. The Contact Group on Piracy off the Coast of Somalia notes the work of the maritime shipping industry and the International Maritime Organization (IMO) to establish measures to prevent and suppress acts of piracy and armed robbery against commercial vessels transiting the region. International maritime industry groups have made efforts to address the piracy threat. Of note is the adoption by the world's leading shipping, cargo and insurance organizations of a set of common best-management practices which were

based on recommendations by the European Union Maritime Security Centre-Horn of Africa. The Contact Group will continue to work with IMO, shipping-industry representatives and shipping companies to increase the distribution and voluntary employment of best practices and threat information.

The Contact Group on Piracy off the Coast of Somalia reaffirms its respect for Somalia's sovereignty, territorial integrity and sovereign rights over natural resources, and its participants ensure that their flagged vessels respect these rights.

The Contact Group offers participation to any nation or international organization making a tangible contribution to the counter-piracy effort, or any country significantly affected by piracy off the coast of Somalia. As such, the Contact Group extends invitations to Belgium, Norway, Portugal, Sweden and the League of Arab States.

The Contact Group identified six related focus areas: improving operational and information support for counter-piracy operations; establishing a counter-piracy coordination mechanism; strengthening judicial frameworks for the arrest, prosecution and detention of pirates; strengthening commercial shipping self-awareness and other capabilities; pursuing improved diplomatic and public information efforts; and tracking financial flows related to piracy.

The participants agreed to establish four working groups in which all Contact Group parties may participate, to address the focus areas. Working Group 1 will address activities related to military and operational coordination and information-sharing and the establishment of the regional coordination centre, and will be convened by the United Kingdom with the support of the International Maritime Organization. Denmark will convene Working Group 2 to address judicial aspects of piracy with the support of the United Nations Office on Drugs and Crime. The United States agreed to convene Working Group 3 to strengthen shipping self-awareness and other capabilities, with the support of IMO. Egypt agreed to convene Working Group 4 to improve diplomatic and public information efforts on all aspects of piracy.

Additionally, participating States affirmed the importance of attention to financial flows to pirates and their activities and decided to remain seized of the issue. The Contact Group also calls on international bodies that track illicit financial flows to examine the question of such flows to pirates and their operations and to report as appropriate to the Contact Group and other groups concerned with the issue.

The Contact Group on Piracy off the Coast of Somalia agreed to establish a small secretariat to support scheduling and reporting on the outcomes of meetings of the Contact Group and the working groups. The Contact Group requests appropriate and relevant organizations and agencies to contribute to the secretariat.

The Contact Group on Piracy off the Coast of Somalia recognizes that the international community of interest is far greater than the participating States in the Contact Group, and pledges to inform the larger community of all significant Contact Group conclusions, rationales and activities. It recognizes that effective coordination of activities to eradicate piracy requires coordination among the entire international community, and so remains open to receiving input from members and non-members of the Contact Group.

The Contact Group on Piracy off the Coast of Somalia plans to meet again in March 2009 to review the progress and direction of the four working groups and other developments. It will consider, at that time, the addition of new members.